

To be Members of the Board of Regents for the State Teachers Colleges:

A. H. Eubanks, of McKinney, Collin County, (reappointment).

John E. Hill, of Amarillo, Potter County, (reappointment).

W. B. Bates, of Houston, Harris County.

REDDITT, Vice-Chairman.

The Senate was called to order, as in legislative session, at 5:15 o'clock p. m.

Senate Bill on First Reading.

(By Unanimous Consent.)

The following Senate bill was introduced, read first time, and referred by the President to the appropriate committee as follows:

By Senator Van Zandt:

S. B. No. 191, A bill to be entitled "An Act amending Article 199 of the Revised Civil Statutes of 1925, as amended; relating to the allocation of District Courts to the various counties of the State; apportioning said courts to such counties; abolishing certain district courts; reorganizing and rearranging certain other district courts; providing for the terms to be held therein; providing for the validation of processes, bonds and recognizances, etc., within such districts; providing for certain duties of district judges and district clerks; providing for concurrent jurisdiction in certain cases; providing for the transfer of cases and docketing thereof; and declaring an emergency."

Referred to Committee on Judicial Districts.

Adjournment.

On motion of Senator Cotten, the Senate at 5:16 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX.

Reports of Standing Committees

Committee Room,

Austin, Texas, Feb. 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. C. R. No.

18 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. C. R. No. 18 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

FIFTEENTH DAY.

(Wednesday, February 3, 1937.)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Nelson.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.

The following Senators were absent and excused:

Newton.	Small.
Oneal.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Oneal was granted leave of absence for today on account of the death of his brother, on motion of Senator Lemens.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and were referred by the President to appropriate committees, as follows:

By Senators Shivers, Burns, Redditt, Pace and Holbrook:

S. B. No. 192, A bill to be entitled "An Act to provide for the purchase of a site and for the establishment, location, and construction of a hospital for the white mentally ill, naming the same, and providing for the care, treatment and support of white mentally ill persons; to make an appropriation therefor and declaring an emergency."

Referred to Committee on Finance.

By Senator Winfield:

S. B. No. 193, A bill to be entitled "An Act authorizing private corporations heretofore incorporated for the purpose of operating street or inter-urban railways to amend their charters so as to include as an additional purpose of the corporations the acquiring, owning and operating of motor vehicles and motor buses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, under such reasonable regulations and requirements as to rates and service and as to franchises or permits as may be legally imposed from time to time by such cities and towns within the limits thereof, and by the Commissioners' Courts of counties as to operations outside of the limits of such cities and towns, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Westerfeld:

S. B. No. 194, A bill to be entitled "An Act amending Title 14, Chapter 5 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Acts of the Regular Sessions of the Forty-first and Forty-second Legislatures of the State of Texas by adding the following new Article, numbered as follows: Article 1037b, to regulate the packing and the marking of packages and containers; requiring the net quantity of contents of such packages and containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; defining certain terms; providing penalties for

the enforcement of the Act; repealing House Bill No. 110, Chapter 53, Acts of the Third Called Session of the Thirty-eighth Legislature and all laws in conflict, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Woodruff:

S. B. No. 195, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than Seventeen Thousand and not more than Twenty-one Thousand people, according to the last preceding Federal census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

Senate Resolution No. 18.

Senator Woodruff offered the following resolution:

Whereas, Honorable Karl Crowley, Solicitor for the Post-Office Department, is within the City, and

Whereas, He is a distinguished Texan and a leader in the Democratic Party; now, therefore, be it

Resolved, That he be invited to address the Senate and accorded the privileges of the floor.

WOODRUFF,
RAWLINGS,
HILL.

The resolution was read and was adopted.

Accordingly, Senators Woodruff, Rawlings and Hill were appointed to escort Honorable Karl Crowley to the President's stand.

The President presented Senator Rawlings, who introduced Honorable Karl Crowley.

Mr. Crowley then addressed the Senate briefly.

Senate Resolution No. 19.

Senator Lemens offered the following resolution:

Whereas, The House of Representatives heretofore has adopted H. S. R. No. 51, requesting the House membership to file a statement answering a questionnaire containing information regarding the source of retainer fees received by such members; and

Whereas, The House did on February 1, 1937, adopt H. S. R. No. 79, whereby the House of Representatives "requested" the Senate of Texas to fill out a questionnaire "as to whether they are receiving retainer fees from any corporation, and, as to how long they received such retainer fees," and that such sworn affidavit should become a matter of public record; and

Whereas, The House is to be commended upon its action in this matter; and

Whereas, The granting of the request would allay the suspicions of some individuals with reference to the income of members of the Senate of Texas, and the source thereof; and

Whereas, the membership of the Senate of Texas is now ready, willing, and able to disclose any and all information regarding the income of its members; now, therefore, be it

Resolved by the Senate of Texas of the Forty-fifth Legislature, That the request of the House of Representatives of Texas is granted, and the President of the Senate is hereby authorized to appoint a committee of three members of the Senate to prepare and circulate among the membership of the Senate a questionnaire designed for the purpose of setting out all requested information, as indicated above.

LEMENS,
AIKIN,
WESTERFELD.

The resolution was read.

Senator Lemens asked unanimous consent of the Senate to move that the regular order of business be suspended and the resolution taken up for consideration at this time.

Senator Rawlings raised the point of order: That Rule 11b prohibits the making of a motion to suspend the rules for the purpose of consid-

ering a resolution out of its order during the morning call.

The President sustained the point of order.

Senate Joint Resolution on First Reading.

The following joint resolution was introduced, read first time, and was referred by the President to Committee on Constitutional Amendments:

By Senator Westerfeld:

S. J. R. No. 11, Proposing an amendment to Article VI, Section 2 of the Constitution of the State of Texas, abolishing the poll tax as a prerequisite to a franchise and installing in lieu thereof a registration system; providing for an election system; providing for an election on the question of adoption or rejection of such an amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

Senate Resolution No. 19.

At the conclusion of the morning call, Senator Lemens moved S. R. No. 19 be taken up for consideration at this time.

Pending consideration of the motion of Senator Lemens, the President Pro Tempore occupied the Chair temporarily.

Senator Burns moved the previous question on the motion of Senator Lemens, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Yeas and nays were demanded, and the main question on the motion of Senator Lemens was ordered by the following vote:

Yeas—13.

Burns.
Cotten.
Davis.
Isbell.
Neal.
Nelson.
Pace.

Rawlings.
Redditt.
Shivers.
Spears.
Van Zandt.
Winfield.

Nays—12.

Aikin.
Beck.

Brownlee.
Collie.

Head.	Roberts.
Hill.	Stone.
Holbrook.	Sulak.
Moore.	Weinert.

Present—Not Voting.

Lemens.	Woodruff.
Westerfeld.	

Absent—Excused.

Newton.	Small.
Oneal.	

Question then recurring on the motion of Senator Lemens, it was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18.

Aikin.	Moore.
Brownlee.	Nelson.
Burns.	Roberts.
Collie.	Spears.
Head.	Sulak.
Hill.	Weinert.
Holbrook.	Westerfeld.
Isbell.	Winfield.
Lemens.	Woodruff.

Nays—10.

Beck.	Rawlings.
Cotten.	Redditt.
Davis.	Shivers.
Neal.	Stone.
Pace.	Van Zandt.

Absent—Excused.

Newton.	Small.
Oneal.	

The resolution was then referred by the President to the Committee on State Affairs.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 3, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 44, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issu-

ance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold, prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder, the validity of which has been contested or attacked in a pending suit or litigation, and declaring an emergency."

(With amendments.)

S. B. No. 72, A bill to be entitled "An Act to amend an Act of the Twenty-eighth Legislature, creating a road system for Palo Pinto and Bosque Counties, being Chapter 22, Special Laws 1903, as amended by Chapter 19, Special Laws 1913, and further amended by Chapter 12, Special Laws of the Forty-first Legislature, Second Called Session in 1929, as further amended by Chapters 12 and 13, Special Laws of the Forty-first Legislature, Fourth Called Session in 1930, by adding thereto seven new sections, to be known as Sections 13, 14, 15, 16, 17, 18 and 19, authorizing Palo Pinto County to fund or refund the indebtedness outstanding against its Road and Bridge Fund as of October 12, 1936; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the Commissioners' Court of Palo Pinto County, and of the officers of said county, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges, and general laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

A Secretary of the Governor, appeared at the bar of the Senate, and being duly announced, presented a message from the Governor, which was read to the Senate, as follows:

Austin, Texas, Feb. 3, 1937.
To the Senate of the Forty-fifth Legislature:

I ask the advice, consent and confirmation to the following appointments:

Game, Fish and Oyster Commission:

To be Chairman of the Game, Fish and Oyster Commission:

A. E. Wood, of Austin, Travis County, to succeed Jess L. Showers, resigned, said resignation effective Feb. 3, 1937.

To be Member of the Game, Fish and Oyster Commission:

Gene Howe, of Hamilton, Potter County, to succeed Jack O'Brien, resigned, said resignation effective Feb. 3, 1937.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

Senate Bill No. 44 With House Amendments.

Senator Aikin called up S. B. No. 44 from the President's table for consideration at this time of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Nelson.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—1.

Collie.

Absent.

Westerfeld.

Absent—Excused.

Newton.

Small.

Oneal.

Senate Bill No. 81.

Senator Hill moved that the constitutional rule relating to the consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on State Affairs of S. B. No. 81 and its passage by the Senate.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Nelson.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Winfield.
Moore.	Woodruff.
Neal.	

Absent.

Westerfeld.

Absent—Excused.

Newton.

Small.

Oneal.

Senate Bill No. 188.

Senator Hill moved that the constitutional rule relating to the consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to permit consideration of S. B. No. 188 in committee and its passage by the Senate.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Hill.
Beck.	Holbrook.
Brownlee.	Isbell.
Burns.	Lemens.
Cotten.	Moore.
Davis.	Neal.
Head.	Nelson.

Pace.	Sulak.
Rawlings.	Van Zandt.
Roberts.	Weinert.
Shivers.	Winfield.
Spears.	Woodruff.
Stone.	

Absent.

Collie.	Westerfeld.
Redditt.	

Absent—Excused.

Newton.	Small.
Oneal.	

Adjournment.

Senator Weinert moved that the Senate recess to 2:30 o'clock p. m. today.

Senator Rawlings moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed, and the Senate accordingly, at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

SIXTEENTH DAY.

(Thursday, February 4, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Rawlings.
Burns.	Shivers.
Cotten.	Spears.
Davis.	Stone.
Head.	Sulak.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

The following Senators were absent and excused:

Collie.	Redditt.
Newton.	Roberts.
Oneal.	Small.
Pace.	

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Roberts was granted leave of absence for today on account of important business, on motion of Senator Sulak.

Senator Redditt was granted leave of absence for today on account of important business, on motion of Senator Burns.

Senator Collie was granted leave of absence for today on account of illness, on motion of Senator Aikin.

Senator Small was granted leave of absence for yesterday and the remainder of this week on account of important business, on motion of Senator Woodruff.

Senator Oneal was granted leave of absence for the remainder of this week on account of the death of his brother, on motion of Senator Woodruff.

Senator Pace was granted leave of absence for today on account of important business, on motion of Senator Moore.

Reports of Standing Committees.

Reports on S. B. No. 81, S. R. No. 17, H. B. No. 218 and H. B. No. 245 were submitted at this time by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Bills and Joint Resolution on First Reading.

The following Senate bills and joint resolution were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Beck:

S. B. No. 196, A bill to be entitled "An Act providing for the relief of the Douglassville Common School District No. 20, Cass County, Texas, in order to aid said district in rebuilding and equipping its school that was destroyed by fire in December, 1935, making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 197, A bill to be entitled "An Act providing that county courts, without the necessity of trial by jury may temporarily commit persons alleged to be mentally ill who are not charged with a criminal